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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 RAYMOND JOEL LUTHER SR,

11 Plaintiff,

12 v.

13 PAT GLEBE.

14 Defendant.

CASE NO. C11-5387-RJB-JRC

ORDER GRANTING LEAVE TO
FILE AN AMENDED COMPLAINT
AND STRIKING A NUMBER OF
MOTIONS

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16 This 42 U.S.C. §1983 civil rights matter has been referred to the undersigned
17 Magistrate Judge pursuant to 28 U.S.C. §§ 636 (b)(1)(A) and (B) and Local Magistrate
18 Judge Rules MJR 1, MJR 3, and MJR 4.

19 On July 21, 2011, defendant Glebe filed a motion to dismiss the action pursuant to
20 Fed. R. Civ. P. 12 (c) (ECF No. 14). In response to the motion to dismiss plaintiff has
21 filed a number of pleadings. Some of the filings are allowed under the Federal Rules of
22 Civil Procedure, but several of the filings are improper.
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1 Plaintiff filed a response to defendant's motion to dismiss that is 60 pages long
2 when the response and the document titled "Answer to motion to dismiss" are considered.
3 Local Rule 7 (e) limits a response to a dispositive motion to 24 pages. Plaintiff also filed
4 a pleading titled "Motion to Addendum to Grievance, Public Disclosure" that is an
5 attempt to add several defendants to this action (ECF No. 16). Plaintiff's other filings
6 include a "Motion to Amend the Complaint" (This filing does not contain a proposed
7 amended complaint), a "motion to objection to dismissal of the complaint", and an
8 "Answer and demand for jury trial." (ECF No. 17 to 20).
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10 Plaintiff needs to study the Federal Rules of Civil and Local Rules of this court
11 before filing any further pleadings. Improper filings or over length filings may not be
12 considered by the court.

13 Plaintiff has named several persons he wishes to add to the action. The motion to
14 file an amended complaint is GRANTED. Plaintiff will have until **October 28, 2011**, to
15 file an amended complaint. The amended complaint will be a complete substitute for the
16 original. This new complaint will replace all other attempts to alter or change this action.
17 The original complaint and the other pleadings will not be part of the case after the
18 amended complaint is filed.


19 In his response to the motion to dismiss, (ECF No. 16), plaintiff cites the court to
20 its own rule where the court indicates the plaintiff should not make legal arguments in the
21 complaint. Plaintiff has taken this to mean the plaintiff may not set forth the facts that
22 give rise to his action (ECF No. 15, pages 1 to 10). The court needs plaintiff to set forth
23 the facts. Citations to cases and legal arguments as to why plaintiff thinks his case has
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1 merit are not needed. The court instructs plaintiff to follow the guidelines on the form and
2 use the form complaint in filing his amended complaint. For each new defendant plaintiff
3 must provide a copy of the complaint and a filed out service form so that the court may
4 attempt to serve the new defendants by mail.

5 Because the court has granted leave to file an amended complaint, the motion to
6 dismiss will not be considered at this time. Further, none of the other motions up to ECF
7 No. 20 will be considered. The clerk of court is directed to remove the motions from the
8 court's calendar.

9 The defendants may proceed as allowed by the Fed. R. Civ. P. after the amended
10 complaint has been filed. Failure to file an amended complaint on or before October 28,
11 2011, will result in a Report and Recommendation that this action be dismissed for
12 failure to prosecute.

13 Dated this 26th day of September, 2011.

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18 J. Richard Creatura
19 United States Magistrate Judge
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